

will rise to meet this moment to help our country build back better. I ask my colleagues to support Janet Yellen for Secretary of the Treasury.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. DUCKWORTH). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 59TH INAUGURATION

Mr. CORNYN. Madam President, last week, the country and the world watched as our Nation carried out one of its most sacred traditions—the peaceful transfer of power, which is the hallmark of American democracy, that has defined our country since its earliest days. Between the pandemic and heightened security concerns, this inauguration looked far different than those of former Presidents, but the will of the people was carried out just as it has been following every Presidential election throughout our Nation's history.

President Biden, in his inaugural address, stressed the importance of unifying our country. I agree, and I hope that the President and our Democratic colleagues in Congress lead by example.

#### FILIBUSTER

Madam President, our first order of business has been to fill critical positions throughout the Federal Government, and the Senate has already confirmed the Director of National Intelligence and the Secretary of Defense, both of whom I supported. This afternoon, we will vote on the confirmation of Janet Yellen to be Secretary of the Treasury, whom I intend to vote for, as well, and there is a slate of other important positions that need to be filled in the coming days and weeks.

I should note that voting to confirm a nominee, under the words of the Constitution—providing advice and consent—is not a rubberstamp of the administration's policies. I know there will be important issues that we will disagree on, but if elections mean anything, they mean that the prevailing party should not be knee-capped as, unfortunately, our Democratic colleagues did to the previous administration when it tried to install a new Cabinet and agency heads. Rather, I believe the tradition has been to accommodate one another when we can so the administration can carry out its duties.

This morning, I had a very good conversation with Judge Merrick Garland, whom President Biden has nominated for Attorney General. Judge Garland's extensive legal experience makes him well suited to lead the Department of Justice, and I appreciate his commitment to keeping politics out of the Justice Department. That is my No. 1 criterion for who should be the next head of the Department of Justice, the

Attorney General. I think both sides should support a depoliticized Justice Department, and that is what I hope Judge Garland, once confirmed, will deliver. I look forward to talking to him more during the confirmation process, but unless I hear something new, I expect to support his nomination before the full Senate. It is in the best interest of the country to have qualified, Senate-confirmed individuals leading our Federal departments and agencies.

As we look beyond the confirmation process, there are many opportunities for Republicans and Democrats to work together in those places where we agree, and I know additional coronavirus relief, as it is needed, is high on President Biden's list. Approximately 1 million Americans are being vaccinated every day, and while the light at the end of the tunnel is getting bigger and brighter, we are still not in the clear. Congress has provided trillions of dollars in relief to strengthen our fight on both the healthcare and economic fronts, but we need to remain vigilant in the final, critical phase of this battle.

I don't support President Biden's pandemic relief proposal in its current form, but I do believe it is a starting point for bipartisan negotiations. I will gladly support a reasonable, targeted bill as we determine precisely, as we can, where the needs truly are. We all agree we need to bolster vaccine manufacturing and distribution; that some Americans need additional financial support; and that Main Street businesses and their workforces are still struggling to survive this economic recession. I hope the administration will be willing to work with Congress to reach an agreement that receives broad, bipartisan support as each of the previous bills that we have passed has.

During my time in the Senate, I have worked with folks across the aisle on our shared priorities, and I have no plans of changing that practice now, but make no mistake: I will push back, forcefully, respectfully, when the President and I disagree. One of the things I have learned, though, is that there is a difference between what some elected officials say and what they actually do, and rather than listen to what they say, I really prefer to watch what they do and see if those are consistent. Only hours after being sworn in and speaking of unifying the country, President Biden unilaterally canceled the permit for the Keystone XL Pipeline, and on the same day, the administration halted all new energy leasing and permitting on public lands and waters. With these unfortunate actions, President Biden is killing thousands of well-paying U.S. jobs and kicking the U.S. energy industry while it is still struggling from the pandemic.

I had hoped and still hope to work with President Biden on an all-of-the-above energy strategy that prioritizes our fossil fuels—we have 280 million

cars on the road, and people are still going to need gasoline for the foreseeable future—renewables, and innovative technologies that help us harness our most prevalent and reliable energy sources. One of the things that, I think, is exciting about some of the research that is being done is on carbon capture technology, which ought to be, again, something that we can all agree on as we transition to the next forms of energy.

As we begin a new Congress and welcome a new President, I am, once again, reminded of the words that were quoted from Ruth Bader Ginsburg, recently deceased Justice of the U.S. Supreme Court. She didn't originate it, but she did make it popular when she said, "You can disagree without being disagreeable." Of course, democracy itself expects a competition of ideas but not necessarily the mudslinging and name-calling that have become all too common. I hope we can return to the respectful battles in the days and months ahead and know there is no better battleground for that to happen in than in the Senate, where sometimes—sometimes—we live up to the billing as the world's greatest deliberative body.

The primary feature that separates the Senate from the House or any other legislative body is that of free and full debate. That is why it takes 60 votes to cut off debate—so that you can then vote and pass a piece of legislation with 51 votes. It forces us to do what we ought to do anyway, which is to have fulsome debate, allow minority views to be presented, and then, once the debate is concluded, have a vote on the underlying bill. Fundamentally, the Founders saw the Senate as a place that protected minority rights. I have been here long enough to be in the majority and in the minority, and we know what goes around comes around in the U.S. Senate. It is as sure as day follows night. That is why we are called a deliberative body. In the House, you have 435 Members, and in order to pass a bill, all you need is a majority. Got the votes? Jam it through. Yet there has to be someplace, somewhere, in a nation of 330 million souls, where competing ideas can be seriously debated, and that is why our Founders created the U.S. Senate.

George Washington was famously said to have told Thomas Jefferson that the Senate was meant to be a saucer to cool House legislation like a saucer was used to cool hot tea. Well, if partisan bills are the hot tea, then the Senate cloture requirements are the saucer. Rather than a simple majority here in the Senate, you have to get 60 out of 100 Senators to support a bill in order for it to advance. I know we all would love to see each of our ideas passed into law without any delay or extended debate, but that is not the way the Senate is supposed to work. It forces us to do what we ought to want to do anyway, which is to do the hard

work of bipartisan negotiation and compromise, come up with an 80-20 solution that can leave the 20 percent you don't agree on for another day and another battle, but to pass into law and make progress, on behalf of the American people, the 80 percent we can agree on.

Neither party has had a filibuster-proof majority since the late 1970s, and as a result, Senators from red States and blue States have had to work together, as they should, to reach agreements on nearly every piece of legislation that has moved through this Chamber in the last four decades. The only real exception is the budget reconciliation process, which, by court rules, can be done with 51 votes, but, otherwise, in the main, 60 votes—a bipartisan majority—is required in order to move legislation.

When bills require bipartisan support in order to pass, they are more durable. The fact is, if you pass a partisan piece of legislation, the next time the majority flips, it can undo it. I think it is useful in terms of our comity, in terms of our relationships, and in terms of our ability to get things done for the American people to try to figure out how to do things on a bipartisan basis. While I know bipartisanship isn't necessarily popular with the political bases of either party, it is critical to our democracy.

Unfortunately, some of our colleagues on the other side have expressed an interest in using their newly gained powers in the majority to blow up the filibuster and to shatter that important cooling saucer. Make no mistake: That would do irreparable harm to this institution and inflict serious damage on our democracy. Without the 60-vote cloture requirement, both Chambers would be majority-rule institutions, with a steady flow of partisan legislation moving through Congress. If the same party controls both Chambers and the White House, that party could pass strictly partisan legislation that would quickly be signed into law without a single vote from the opposing party. Does that feel good? Well, if you are on the winning side, yes. Is it good for the country? No, it is not. It is efficient, but it is not effective. It is not lasting. It is not durable. It doesn't provide the sort of stability and ability to plan that the current structure provides.

All the reasons I have given for doing away with the Senate cloture requirement are why no majority has ever tried to blow it up before.

During the past administrations—the Trump, Obama, Bush and Clinton administration—there was a period of time when the President's party controlled both Chambers of Congress. If you go further back in history, you will find dozens of examples. But no Senate, until now, has ever been so shortsighted as to get rid of the cloture requirement and the filibuster when it comes to legislation.

If Democrats carried out their threat to do that today, they would clear the

path to pass a radical agenda that would fundamentally reshape our country without a single Republican vote.

As a reminder, we have a 50-50 Senate, and in the House there are 221 Democrats and 211 Republicans. In all of Congress, there are 10 more Democrats than Republicans out of 535 Members of Congress. That is far from a progressive or a radical mandate.

As I said, elections happen, majorities change, and Presidents come and go, as do U.S. Senators. In 2 years, Republicans could win the majority in either or both Chambers, and in 4, a Republican could win the White House as well.

If we were to do away with this restraint on snap decisions and partisan legislation, what would the succeeding Republican administration likely do? It would simply undo everything that had been done on a partisan basis.

Well, would our Democratic colleagues support a rule change to blow up the filibuster when Republicans control both Houses and the White House? Would they believe the Senate minority should be silenced, as they believe now?

As I say, what goes around comes around, and the shoe is always on the other foot, eventually.

The good news is we don't have to wonder what the answer would be because we already know it. In 2017, there was a Republican-led Senate, House, and White House, when we held both Houses and the White House. There was fear by some folks across the aisle—actually, both sides of the aisle—that the filibuster would be eliminated in order to clear a path for a Republican agenda.

That was when 61 Senators, a filibuster-proof majority, wrote a bipartisan letter to then-Majority Leader McConnell and Democratic Leader Schumer, urging them to protect the filibuster. That was 61 Senators. Among the cosigners were 27 current Democratic Senators. One of the signatures on this bipartisan letter is that of our newly sworn-in Vice President, KAMALA HARRIS.

I can promise you that Leader McConnell has no interest in eliminating the filibuster, when he was majority or now as minority leader, because he knew the institutional damage that this would cause and the damage to our democracy.

Unfortunately, Leader Schumer refuses to acknowledge that most basic fact.

The two party leaders are now in the process of negotiating an organizing resolution on how this new reality of a 50-50 Senate will operate. Fortunately, there is modern precedent for how this has been done, and the two leaders have shared an interest in emulating the 2001 agreement negotiated by Tom Daschle and Trent Lott.

But because of the newfound obsession of some on the left with uprooting the cornerstone of the Senate, Leader McConnell has asked for assurances

from Leader SCHUMER that the filibuster and the cloture requirement will remain intact. After all, it is not unreasonable to ask your negotiating partner to commit to not breaking the rules, which is all Senator McConnell is asking for.

Senator SCHUMER has derided that request, calling it “extraneous” and saying it falls outside the bounds of the 2001 organizing resolution.

But I would like to remind our colleagues that in 2001 the majority party was not threatening to blow up the Senate rules to advance a partisan agenda. That is why it wasn't the subject, explicitly, of that negotiation of the organizing resolution. There was no need to ask for assurances on the protection of the filibuster because it wasn't even a question to be answered.

Our Democratic colleagues have relied on the filibuster while Republicans have held the majority. I can think of time after time after time when we have tried to pass more COVID-19 relief bills that our Democratic colleagues felt were inadequate. And time after time after time, they used the filibuster to prevent passage of those bills, which was their right—I think a mistake, a decision I disagree with, but within their rights under the Senate rules. Republicans have also relied on the filibuster while Democrats have held the majority.

We all recognize that at some point the shoe is always on the other foot, which is why no one has been so foolish as to eliminate the legislative filibuster or to even seriously consider it before. I hope our colleagues on the other side will avoid making this tragic mistake in order to pursue short-sighted political goals.

And in an encouraging sign on Friday, the White House indicated that President Biden does not support getting rid of the legislative filibuster either. President Biden served in the Senate for, I believe, 36 years. He understands how this institution works, how it is supposed to work, and his advice—and it is only advice, since he is the President and not a Member of the Senate anymore—is: Don't go there.

I encourage our more than two dozen Democratic colleagues who have repeatedly voiced their support for maintaining the legislative filibuster to insist that this critical stabilizing force in our democracy be preserved in the organizing resolution currently being discussed by Senator SCHUMER and Senator McConnell. I truly believe that if we don't do that, if the legislative filibuster is eliminated, we will all rue the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, I tell you, I am going to follow right along with the comments that my colleague from Texas has made, because, in Tennessee, whether someone is a Republican or a Libertarian or an Independent or a Democrat, they have

very high expectations of what this Congress is going to be able to accomplish, and they also have high expectations for this administration. What they are doing is looking there, and they are saying: Politics and politicians are not what this is all about. They don't necessarily matter. Policies matter.

And, as my colleague is saying, maintaining the filibuster rule in the Senate allows robust, respectful debate so that we arrive at a sense of compromise and we do what is best for the American people.

Today, I was talking with one of our Tennesseans, and they were talking about that it doesn't matter what is being said on social media—on Twitter or Facebook or Parler or any of the social media platforms—that when you strip it all away, good policy is good policy, and that is what matters. Good policy is good policy. It is good for the people, and that is where the emphasis should be.

So when I say they have high expectations, I don't only mean that they want good policies; they want this to focus on them. They want it to focus on their concerns, their communities, their schools, their right to feel secure, their right to enjoy free speech, their right to pursue their happiness, their American dream, and their right to celebrate and protect life. It is about them, not politicians, not politics. It is about the American people.

From their perspective, we can spend hours debating the budget or immigration reform or data privacy—which I will talk more about later this week—as long as at the end of the day, whatever compromise we reach not only meets their needs but recognizes that the people are the most important part of this entire equation—the people.

Every Member of this body understands that when the balance of power shifts, sometimes that means that the guy across the aisle is going to get the upper hand. Things change, but it would be a mistake for my colleagues on the other side of the aisle to assume that that means we are willing to set our priorities and our principles aside.

It doesn't mean that we are going to submit to their agenda. It doesn't mean we are going to conform to their agenda. It means we are going to stay true to our principles, represent our States, and work—work diligently—for what is going to be best for the people.

We may have had a changing of the guard here in Washington, but it doesn't mean that any of us has set aside the promises that we have made to the people we represent, and that is why I came out so strongly against the Biden administration and the President's Executive order that really crushed the jobs and the potential for energy security that came with the building of the Keystone XL pipeline.

This was a project that had achieved bipartisan support, and what are we seeing now? Lost jobs, lost livelihoods, more money being taken out of the taxpayers' pocket.

For similar reasons, I came out in opposition to rejoining the Paris climate accords and reversing our course on the departure from the World Health Organization.

For me, this isn't about politics. It is about the policies this new administration has decided to unilaterally say yes to—without consulting Congress, without including the people in the discussion.

And just so we are all aware, President Biden said yes to more unilateral policy changes on day one than any President in our Nation's history—more than any President in our Nation's history.

The Biden administration looked at those new policies and decided that the result—achieving that outcome—was worth whatever it would cost the American people to get it.

So over the next few weeks, we will also be examining the President's Cabinet picks to get a sense of the tradeoff they will be willing to make.

Safety is at the forefront of everyone's mind back home in Tennessee—not just safety from COVID but from the bad actors and the foreign adversaries who continue to show us just how far they are willing to go to undermine us on the world stage. Back in Tennessee, we have a saying: When somebody shows you who they really are, you better believe them.

And I will tell you that they are paying attention, and I will tell you that they are not very impressed right now with some of the so-called soft talk that they are hearing on proposed policies toward Iran and the communist regime in China.

This is why I chose not to support the confirmation of our new Director of National Intelligence, Avril Haines. I also had some pretty tough questions to ask Secretary of State Nominee Blinken about some of these same issues dealing with Iran, dealing with China. Many of the proposals that I am hearing from them have sounded strangely familiar from years gone by.

We don't have to look overseas to find some very real policy differences between what Tennesseans have said they expect and what the Biden administration is signaling that they want to deliver.

In his hearing before the Commerce Committee, Transportation Secretary Nominee Pete Buttigieg signaled to the panel that he would put the administration's environmental goals ahead of some very basic changes to Federal policy that would lighten the regulatory load on the county and city mayors trying to get their transportation projects off the ground.

As I told him, many times the regulations at issue don't just slow the projects down, they kill the project and that town's prospects for growth, for a better life, for people in the community. Hopefully, he is going to keep in mind what it means to these mayors the next time he is asked to consider the benefits of removing unnecessary redtape.

These tradeoffs many times are just too destructive to say yes to. I would encourage all of my colleagues to look at the compromises the President is asking each and every one to make, not just in terms of what we stand to gain but what is going to be the cost.

What is the monetary cost?

What is the cost of freedom?

What is the opportunity cost that will be delivered to the American people in order for the administration to have their way, to get their income? That is the question we should each ask: What is the cost to the American people in order to protect them, in order to meet the expectations that they have? We should be listening to the people. These policies are about them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### NOMINATION OF JANET LOUISE YELLEN

Mr. WYDEN. Madam President, it is a pleasure tonight to be making the case for Janet Yellen, former Chair of the Federal Reserve, to be the next Secretary of the Treasury. It is an awfully easy case to make.

Chair Janet Yellen deserves to be in the Senate confirmation hall of fame. She has already been confirmed four times for key economic positions. Tonight, the Senate can deliver an especially important economic judgment: Confirm Janet Yellen a fifth time and know that she will work with every single one of us to get our workers, our small businesses, and all Americans, from sea to shining sea, back on solid economic footing.

Tonight, I am going to spend just a few minutes discussing several important matters we learned from Chair Yellen's confirmation hearing. First, Chair Yellen is an exceptional economist who has a rare gift. She can take complicated economic theories and put them into understandable language, all while showing a real heart for the millions of Americans who are hurting through no fault of their own.

I asked Chair Yellen at her confirmation hearing: What will give Americans the most bang for the economic recovery buck? And Chair Yellen simply walked through the priorities, particularly going to bat for our small businesses. I come from a State where we have only a handful of big businesses. We are an overwhelmingly small business State. At her confirmation hearing, she spoke clearly about those small business needs, and she talked about the concerns she has for innovative and important approaches to expanding unemployment benefits to make sure that we are meeting the needs of our people. She also focused on reducing hunger and approaches that will help stretch anti-hunger dollars.

Second, Chair Yellen knows that it would be a big mistake for the Congress to go small on economic relief. She is acutely aware of what happened in 2009, when the government took its foot off the economic gas pedal too